



Maryland Department of Juvenile Services

Treating • Supporting • Protecting

August 27, 2009

DJS Response to JJMU Second Quarter Report 2009

The Second Quarter Report appears to be split up into three distinct sections:

- Pages 1-14 detail three DJS youth,
- Pages 15-23 detail the specific facilities the JJMU monitor, and
- Pages 24-54 are prior Special Reports and Notification Letters and prior DJS' Responses to those reports.

Since we have responded to the third section, we will not revisit these areas except to say that DJS continues its work at the Thomas J.S. Waxter Children's Center and Victor Cullen Center providing a safe and therapeutic environment for the youth we serve there.

- I. As to the first section (pages 1-14), we are in agreement with the JJMU that DJS is tasked to provide care and treatment for some very challenging youth. As is the case throughout the country, many delinquent youth involved with the juvenile courts and with DJS do have significant mental health and substance abuse issues. DJS employs and/or contracts for a range of mental health services for youth in our facilities to provide the best care possible in a detention setting. Some of the conclusions drawn by the JJMU about why a strategy may not have worked or whether appropriate treatment was offered to specific youth are incorrect. But it certainly is the case that within detained populations, some youth present with more significant mental health problems and consequently, more challenging behaviors.

The JJMU profile three delinquent youth involved with DJS that have co-occurring mental health and other needs. We present below brief summaries representative of the successful outcomes experienced by youth with similar intensive needs that DJS workers address every day. We have also changed the youth's names in these descriptions in order to maintain confidentiality.

Jim's parent and siblings died tragically in a car accident. When referred to DJS, he continuously used marijuana and was unmotivated to engage in school, work, or other productive activities. Following DJS intervention, he now regularly participates in substance abuse treatment and has remained abstinent from all illegal substances. He

obtained his GED and is employed. His case manager describes his progress as a “huge turn around.”

John was on probation with DJS as a result of substance abuse charges. DJS referred John to Functional Family Therapy and other services. He graduated from high school and has maintained part-time employment. John starts college this month. He has successfully utilized DJS services and programs to prevent recidivism, maintain employment, alleviate family conflict, complete parenting classes, and continue his education. His case manager explains that “community safety, accountability and competency development has been achieved in this case.”

Allan successfully completed the treatment program at the DJS Backbone Mountain Youth Center. He is doing very well and is currently employed as a Maryland firefighter.

Shana was placed under DJS supervision in 2007. She had substance abuse and other problems and was expelled from middle school. Following a comprehensive evaluation she was enrolled in an alternative school and other specialized services. Her case manager worked closely with her and school officials. Shana finished the school year with honors and will start high school this month.

On his initial involvement with DJS, Ben was using illegal drugs and was failing all subjects in school. His family problems included parental incarceration. Ben was detained in a DJS facility following his adjudication for robbery and was subsequently placed in an intensive substance abuse treatment program by DJS from which he was successfully discharged. His case manager describes his progress as a “a 360 degree turn around.” On discharge from the treatment program, DJS assisted his enrollment in his local school, where he earned A's and B's and had no behavioral issues. He continues to receive counseling services.

Larry was placed on probation with DJS last year following adjudication for assault. Evaluations determined that he needed mental health, substance abuse, and other treatment services. Following his discharge from a DJS facility, Larry is succeeding in the community. He and his parent continue to attend family counseling, and Larry had near perfect attendance in the last school year. This year he will be a 12th grade student and is enrolled in advanced placement classes.

DJS recently received a letter from a parent of a youth under our supervision titled “Portrait of a Happy Kid.” The parent wanted to let the DJS know that she believed the delinquency charges that were the basis for her child’s involvement with DJS “could have ruined her child’s life.” The parent reports that the DJS case manager ensured that her child’s needs were evaluated and that she received services to address the identified problems. The letter further explains that due to the case manager’s belief in the youth and the guidance she provided, her child has been on the honor roll in school. The parent concludes her letter by emphasizing “What an impact you have had on a young woman.”

We specifically dispute the statement that “no significant research has demonstrated the efficacy of Positive Peer Culture (PPC), which remains the programming model for all DJS-operated committed care programs for boys in the state.” This is absolutely incorrect.

In fact, the efficacy of Positive Peer Culture for delinquent youth in residential settings has been demonstrated by peer-reviewed research and in practice. Recent examples of the effectiveness of Positive Peer Culture as an empirically validated treatment approach are available from the Evidence-Based Clearinghouse for Child Welfare. The Clearinghouse concluded that Positive Peer Culture meets identified scientific criteria as an effective program supported by sound research evidence. Information about the Clearinghouse and its conclusions about Positive Peer Culture can be accessed online at www.cachildwelfareclearinghouse.org.

In addition, and very importantly, the JJMU incorrectly identifies the treatment model at Victor Cullen and Silver Oak. As we have explained previously to JJMU monitors, for example, Victor Cullen utilizes a multi-component treatment model consisting of the EQUIP program, Aggression Replacement Training (ART), and other treatment modalities with demonstrated effectiveness.

EQUIP is a peer group based treatment approach specifically designed to address the needs of youth with delinquent behaviors. EQUIP integrates cognitive skills training, moral reasoning, and problem solving in a positive peer culture approach. EQUIP has been demonstrated to foster pro-social behavior in residential settings and to improve youth responsibility and accountability. Juvenile offenders exposed to EQUIP have been shown to have lower recidivism as compared to a control group following release from residential facilities.

ART is widely recognized as effective for youth with delinquent behaviors. ART utilizes guided group discussion to correct anti-social thinking. Following rigorous review, for example, ART was identified as an evidence-based program for juvenile offenders by the Washington State Institute for Public Policy (see www.wsipp.wa.gov).

Silver Oak Academy also utilizes a multi-component treatment model with demonstrated effectiveness. The model incorporates cognitive behavior therapy approaches that students receive every day in a normalized high school-like environment using evidence-based curriculums such as Thinking for a Change and Aggression Replacement Training.

The model most closely aligned with the treatment approach implemented at Silver Oak is the Positive Youth Development Model that highly values a normalized environment (versus institutionalized); positive peer group interactions; multiple opportunities for learning; significant social interactions to foster and practice demonstrated changes in behavior such as interscholastic

activities and off-site events like community service and work programs; and positive, interactive staff who participate with the youth in daily programming and provide safety and treatment in an open campus setting.

The JJMU write on page 13: "The Department of Human Resources licenses a number of Treatment Foster Care programs, but it is unknown yet clear whether or how many DJS youth may be placed in these programs."

RESPONSE

DJS currently has 72 youth (as of July 2009) in Treatment Foster Care.

RESPONSE

The JJMU write on page 14: "It is hard to understand why, in the past 2 ½ years, the only new programs opened or licensed by DJS are Victor Cullen, a 48-bed institution in a rural setting in western Maryland,...and the newly-licensed Rite of Passage/Silver Oak in Carroll County, another institutional program in a rural setting."

It is extraordinary that in just 2 ½ years, two facilities within the state have not only opened but are serving youth who would otherwise have been placed out of state. The DJS Maryland Model emphasizes the importance of providing treatment programs closer to youth's families and communities. Both programs actively promote family involvement in their youth's treatment. Both programs are located in rural settings within our state that afford opportunity for new experiences and offer new perspectives for youth, including outdoor educational and recreational activities. An important consideration was also that both facilities already had buildings and grounds that could be quickly renovated. Use of the existing facilities, though not without renovation cost, was more budget-conscious than designing and building a new campus from the ground up.

- II. As to the second section on specific facilities, we offer the following responses (referencing page numbers within the JJMU report where applicable):

Noyes

The JJMU write on page 15: "According to Department of Juvenile Services' (DJS) State Stat information, Noyes can accommodate up to 57 youth. Overpopulation is an area of concern at Noyes during the 2nd quarter." The JJMU then go on to document three specific days' populations, two of which are not even in the 2nd quarter of 2009.

This is not a good measure of how detention populations are tracked; the youth population was far lower than the rated capacity on many days in the period reported by the JJMU. The Average Monthly Population for Noyes, from December 2008 to July 2009, was 50.25, which is also lower than the rated capacity. Even in the 2nd quarter, it was just 56.0. While detention populations do increase for various reasons and Noyes did experience temporary spikes in population (and June in particular was a high month), it is

unclear why the JJMU does not report the Average Daily Population numbers to see whether “overpopulation” is truly the problem over the second quarter that they incorrectly assert. Monthly population data for Noyes is as follows:

Monthly population averages for Noyes Dec 2008 – Jul 2009

Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
38	42	53	51	53	56	59	50

BCJJC

The JJMU write on page 16: “For example, one youth was left alone in a case manager’s office for thirteen minutes without supervision before an officer realized he was attempting suicide within the office.”

DJS is sure the monitor is not using misleading language intentionally, but because we are aware that the monitor read this incident report and watched the video along with DJS staff, we are perplexed as to why this statement is being made. The monitor knows that the youth was in the case manager’s office for approximately thirteen minutes but that when he started to tie a sheet around his neck, the Resident Advisor immediately went in to stop him. He was not, as the monitor asserts, attempting suicide during that entire time, ignored and unsupervised. The staff was reprimanded for supervision issues, but she very quickly and with great concern stepped in to help this youth and he was in no way close to either committing suicide or being injured in any way.

Making comments such as this in an official report makes it seem BCJJC staff are ignoring suicidal youth. To the contrary, the facility not only recently gained substantial compliance with all Suicide Prevention provisions of the CRIPA federal settlement agreement, but it also won high praise from the premier national consultant in facility suicide prevention who reviewed the facility at the request of DJS this spring.

The JJMU write on page 16-17 that the fire alarm inspections were somehow deficient at BCJJC. The following information was relayed from DJS via email to the JJMU in June and July 2009 which shows that there were no system failures in the August 2007 fire inspection and that we are in full compliance with both State Fire Marshal and independent contractor inspection requirements, as per their own reports to us:

“... the reporting of the 2007 system failure (i.e. smoke detectors) was an error. Apparently the technician who inspected the system was monitoring the wrong fire alarm/annunciation panel and thought the system failed. It was later determined that the system was functioning properly, after the correct panel was located.

“In the summer of 2008, an annual inspection and test were due but this does not appear to have occurred. A subsequent test, however, did occur on 2/18/09 and again on 6/1/09 and again, all systems passed both times.

“As you noted in your email, the BCJJC fire alarm system was inspected by the State Fire Marshal in March 2009 and he found the building in compliance with the State Fire Code. BCJJC is also due for its annual independent contractor inspection and test on 7/8/09.

“The fire safety contractor (MONA) inspected BCJJC's fire safety system on July 9...(MONA Life Safety Tech) informed me that the fire safety system (alarms, sprinkler system, etc.) are operational. No defects were noted.

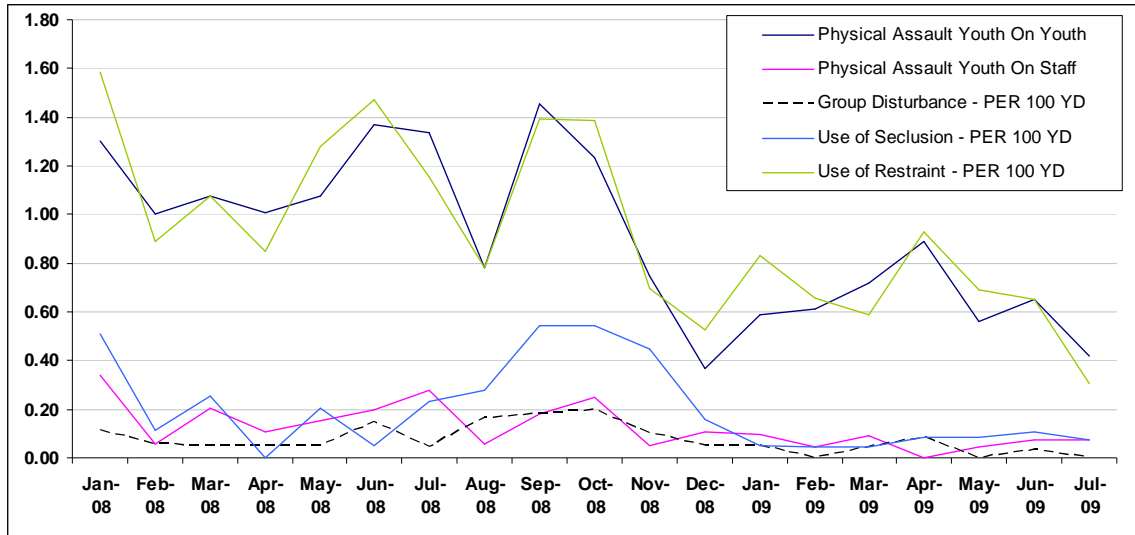
Yet still, the JJMU state that there were system failures in the August 2007 inspection and that no inspections were conducted between April 2008 and the annual inspection in July 2009. It is unclear whether the information DJS has made available to them was reviewed by them. It is clear that both of the allegations made by the JJMU about the BCJJC fire alarm inspections are completely incorrect.

Hickey

The JJMU write on page 18: “The facility has also seen a relative increase in aggressive incidents. Youth on youth assaults rose 20% from 41 to 52. Physical restraints rose 20% from 44 to 55. Allegations of physical abuse tripled, from 2 during last quarter to 6 this quarter. ”

The JJMU continue to use numbers, rather than rates, to calculate whether incidents have gone up or down. Incidents can only be measured against the number of youth in the facility. More youth often means more restraints or assaults and the rate calculation takes into account population. The method of calculating rates, which is the standard methodology in juvenile justice facilities across the country, has been provided to the JJMU by DJS so that they can actually check to see whether the incident rate is up or down instead of continuing to use raw numbers alone and therefore reach incorrect conclusions.

In fact, Hickey had a small spike in the rate of assaults/restraints in April, but since then rates have gone back down, despite the higher population in June, and July rates (past the quarter reported) are even lower. The chart below, developed based on information in the DJS Incident Database, shows rates by month and demonstrates that the overall trend is not up, but solidly down.



As to the child abuse allegation that was the subject of the JJMU’s Special Report, not only was the incident re-examined by both CPS and DJS and the findings confirmed, the youth was charged by the State’s Attorney’s Office with making a false report.

Cheltenham

The JJMU writes on page 19 that there was nowhere left for youth to sleep when the population was at 151 youth. This is absolutely not true. Youth slept in the secure area of the housing cottage along with staff posted there to provide supervision.

As to increases in population having to do with “old” warrants and detentions by judges for minor parole violations, DJS is not sure what JJMU means by “old” warrants. Law enforcement agencies monitor and serve open warrants as a standard practice, and depending on the circumstances, courts make decisions about whether youth should be detained.

WMCC

Three of the four Paragraphs in this report, which concern WMCC, address perceived deficits in Crisis Prevention and Management (both in training and technique) as identified by some of the staff at WMCC. The last sentence of the first paragraph states that staff members are afraid that their job may be in jeopardy if they overreact physically to a situation. While DJS does not tolerate any abuse of the youth we serve, more staff members have faced disciplinary action for violating WMCC’s safety and security procedures than for harsh treatment of youth. Staff members have never been terminated or faced any disciplinary action for following CPM protocols or DJS policy. If staff members are unclear what constitutes “overreacting” in the use of force, they should address these concerns with their supervisor or the DJS training department. There have

been multiple staff meetings during which an OIG investigator and the facility administrator have clearly outlined how to follow CPM protocols. In accordance with DJS policy, staff in our detention facilities receive twice yearly CPM training and have ongoing access to facility supervisors and to OIG staff should they require additional clarification.

DJS has already begun the process of providing information to the JJMU about the CPM training and the provider (Jireh) and more information will be provided shortly, especially as it relates to MPCTC requirements that our detention facilities, for example, are required to meet. What the Children's Cabinet might find inappropriate for children in DHMH facilities, such as developmentally disabled children, autistic toddlers and physically disabled children is clearly not the same as what is appropriate for teenagers in DJS detention centers. Therefore, the comments from the JJMU not only are not relevant to detention facilities such as WMCC, but are inconsistent with COMAR regulations not at all applicable to WMCC.

Victor Cullen

Page 21: Since May 27th, DJS has hired 9 resident advisors and 7 of those staff are currently in ELT training. We have trained 26 staff in CPM since 8/1/09 and 54 staff have been trained in PPC since the incident.

Page 22: MSP was notified the evening of the incident on May 25th at 11:25 PM. MSP viewed the videotape of the incident on the next day and charged both youth involved. One Youth was charged with 1st Degree Assault and Reckless Endangerment. The other was charged with 2nd Degree Assault and Reckless Endangerment. One youth involved was removed from the facility on 6/2/09. Neither of these youth had any involvement in the incident on 5/27/09.